

**FISH AND WILDLIFE SERVICE
ADMINISTRATIVE PROCEDURE**

Administrative Procedure

Part 202 The Federal Register

Chapter 3 Composition and Content of Rules and Notices

202 FW 3

3.1 What is the purpose of this chapter? This chapter expands on the guidance provided in the Departmental Manual at 318 DM and the Office of the Federal Register's (OFR) Document Drafting Handbook (DDH) about how to write a rule or notice and what you should include in it.

3.2 What are the different parts of a rule or notice? A rulemaking document consists of several parts, including the billing code, headings, preamble, list of subjects, words of issuance, regulatory text, and signature block. (A notice has some but not all of these parts. See section 3.4)

A. Billing code. Federal Register (FR) billing codes are unique to each Federal agency. These codes tell the Government Printing Office (GPO) which agency to charge for printing services in the FR. When you submit a document to OFR, put 4310–55 at the top of your document, as shown in Figure 3-1.

B. Headings. OFR specifies the headings that we must use in FR documents. Our FR document headings must include the separate lines shown in Figures 3-1 and 3-2 below, and they must be in this order.

Billing Code 4310-55

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

CFR citation (e.g., 50 CFR XX)

RIN (see 202 FW 2.3A(4) and 202 FW 1.6)

Subject heading (the title of the rule or notice)

Figure 3-1 Headings for Rule

Billing Code 4310-55

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Subject heading (the title of the rule or notice)

Figure 3-2 Headings for Notice

C. Preamble. The preamble of a rulemaking document explains the basis and purpose of the regulatory text. OFR specifies requirements for preambles. Following the headings, you must use the captions in the order in which they appear in Figure 3-3 in the preamble to your rulemaking document. You may not alter these captions.

AGENCY: Fish and Wildlife Service, Interior.

ACTION:

SUMMARY:

DATES:

ADDRESSES:

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Figure 3-3 Preamble Captions

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(1) AGENCY: In this area, put the following: Fish and Wildlife Service, Interior.

(2) ACTION: This caption describes the type of document. Consult the DDH for appropriate text. An example of a common action line is "Proposed rule."

(3) SUMMARY: Keep this section brief. The summary for an FR document should answer only the following questions: What action is being taken? Why is this action necessary? What is the intended effect of this action? The SUMMARY should not prove a point or provide detailed supporting information. That information belongs in SUPPLEMENTARY INFORMATION.

(4) DATES: Consult the DDH for information.

(5) ADDRESSES: You may put no more than four addresses under this caption. Keep this section as brief as possible. If you have more than four addresses, put them under SUPPLEMENTARY INFORMATION. Put detailed information about electronic filing of comments in SUPPLEMENTARY INFORMATION. Do not include any dates.

(6) FOR FURTHER INFORMATION CONTACT: A name and telephone number are all that is necessary.

(7) SUPPLEMENTARY INFORMATION: You should put all explanatory information for the rule in this section. Provide the scientific basis for the rule and our rationale; both are vital to issuing good public policy. The DDH and 318 DM 4 provide helpful information to keep in mind when drafting this section. You should also include information on filing and reviewing public comments. Please see Appendix 2 in 318 DM 4.

(a) In proposed rules, use this section to explain to the public why we are considering promulgating the rule.

(b) In the final rule, use this section to address the comments and any additional information received on the proposed rule. To satisfy the Administrative Procedure Act, the SUPPLEMENTARY INFORMATION section of a final rule must include a concise statement of the basis and purpose of the rule.

(c) This section should also include our determinations based on statutes and Executive Orders that govern the rulemaking process, including E.O. 12866. You should be able to use your responses to the required determinations in the ROC, or a shortened version of them. See 202 FW 2.5 for information on preparing a ROC.

D. Regulatory text. This section of the rule contains the actual requirements we are placing on the public. Clarity is vital. Federal regulations must be understandable and defensible. For help with drafting amendatory language, which instructs the OFR regarding how to change the CFR, consult the DDH. Amendatory language must meet specific requirements of OFR. You must also adhere to 116 FW 1, Plain Language in Fish and Wildlife Service Documents, when writing your rule.

3.3. Do significant rules have specific drafting requirements? If OMB designates your rule as significant (see 202 FW 2.3C), you must state in the preamble that the rule is significant and identify which of the four parameters of significance under E.O. 12866 apply.

3.4 How does a notice document differ from a rulemaking document? Notices provide information of public interest. They do not contain regulatory text, do not have general applicability and legal effect, and do not affect a previous rulemaking document (see 202 FW 1.6). A notice document consists of several parts, including the billing code, headings, text, and signature block. Following the headings (Figure 3-2), OFR prefers that you use all of the same captions as those shown in Figure 3-3 in the order in which they appear.

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A. Publication. OFR publishes notices in the "Notices" section of the Federal Register. They follow the same format for headings and have the same general requirements for the preamble as rulemaking documents. (The exception to this rule is notices announcing findings on petitions under the Endangered Species Act. These documents bear a CFR citation heading and publish in the "Proposed Rules" section of the Federal Register.) Consult Chapter 3 of the DDH for more information.

B. Purpose. You may use notices in the FR to announce a meeting or the availability of documents. Do not use notices, however, to announce meetings or availability of documents pertaining to a proposed rule. You should publish announcements related to proposed rules in the "Proposed Rules" section of the FR with the same Regulation Identifier Number (RIN) and subject heading as the proposed rule and an ACTION line that reads, for example, "ACTION: Proposed rule; notice of meeting."

3.5 What does the Office of the Federal Register require when you submit documents? OFR requires that you:

A. Double-space the document and print it on plain bond paper with the left margin at 1½ inches and all other margins at 1 inch.

B. Put page numbers in the bottom center, top center, or upper right of each page.

C. Prepare all text in accordance with the *GPO Style Manual*.

D. Print or type the name and title of the person who signed the document beneath the signature on the document. (For more information about who signs notices and rules, see 202 FW 4.2 and 202 FW 4.3.) The OFR will not accept a document signed for someone else, nor will OFR accept a document that does not have the printed/typed name and title of the person who signed the document.

E. Submit three original signed copies or one original signed copy and two certified copies to OFR. See 202 FW 4.2A(4) for information about certifying copies.


DEPUTY
DIRECTOR

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